
SUBSTITUTE HOUSE BILL 1605

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Select Committee on Puget Sound (originally sponsored by Representatives Eickmeyer, Haigh, Upthegrove, Blake, Lantz, Seaquist, Linville, Chase, Pedersen, Morris, Wood and Rolfes)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to the effect of extension of sewer services in
2 aquatic rehabilitation zone one; amending RCW 36.70A.110; and adding a
3 new section to chapter 36.70A RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
6 to read as follows:

7 (1) The definitions in this subsection apply throughout this
8 section unless the context clearly requires otherwise.

9 (a) "North shore" means a contiguous geographic area that is
10 bordered by:

- 11 (i) The north shoreline of Hood Canal;
- 12 (ii) Northeast north shore road;
- 13 (iii) Northeast shore road;
- 14 (iv) Northeast state route number 300;
- 15 (v) The line starting at the intersection of quail ridge drive and
16 northeast north shore road at Bald Point and running directly
17 perpendicular to Hood Canal; and
- 18 (vi) The line starting at the intersection of northeast state route

1 number 300 and old Belfair highway in Belfair and running directly
2 perpendicular to Hood Canal.

3 (b) "South shore" means a contiguous geographic area that is
4 bordered by:

- 5 (i) The south shoreline of Hood Canal;
- 6 (ii) East state route number 106;
- 7 (iii) Main street in the community known as Union; and
- 8 (iv) The line starting at the intersection of east state route
9 number 106 and east state route number 3 and running directly
10 perpendicular to Hood Canal.

11 (2) The development of a system of sewerage or the extension of an
12 existing system of sewerage, as defined in RCW 35.67.010 and 36.94.010,
13 to serve areas outside a designated urban growth area within aquatic
14 rehabilitation zone one, as defined in RCW 90.88.010, is permitted when
15 the area serviced by such a development or extension is:

- 16 (a) Within north shore or south shore; or
- 17 (b) One hundred horizontal linear feet or less landward of north
18 shore or south shore.

19 (3) Sewerage service, as provided in subsection (2) of this
20 section, is limited to:

- 21 (a) Commercial and residential development in existence on the
22 effective date of this section; or
- 23 (b) Undeveloped legally platted commercial or residential
24 properties, as they are legally platted on the effective date of this
25 section.

26 (4) A sewerage system and extension, as provided in subsection (2)
27 of this section:

28 (a) May be joined with an existing sewerage system servicing an
29 urban growth area, as defined in RCW 36.70A.030, provided that the area
30 served by the new sewerage system or extension is contiguous to an
31 urban growth area;

32 (b) Must have the capacity to meet all existing, applicable
33 sewerage treatment standards, and have the capacity to remove nitrates
34 and phosphates to meet water quality standards established by the
35 department of ecology; and

36 (c) May be located outside an urban growth area provided that the
37 sewerage system or extension operates with membrane bioreactor
38 technology.

1 (5) For purposes of this chapter, the development or extension of
2 a system of sewerage outside an existing urban growth area does not
3 provide a basis for designation of that area as urban, nor does it
4 provide a basis for rezoning of the served area to allow development at
5 a greater density than that which existed before the system of sewerage
6 was created or extended.

7 **Sec. 2.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read
8 as follows:

9 (1) Each county that is required or chooses to plan under RCW
10 36.70A.040 shall designate an urban growth area or areas within which
11 urban growth shall be encouraged and outside of which growth can occur
12 only if it is not urban in nature. Each city that is located in such
13 a county shall be included within an urban growth area. An urban
14 growth area may include more than a single city. An urban growth area
15 may include territory that is located outside of a city only if such
16 territory already is characterized by urban growth whether or not the
17 urban growth area includes a city, or is adjacent to territory already
18 characterized by urban growth, or is a designated new fully contained
19 community as defined by RCW 36.70A.350.

20 (2) Based upon the growth management population projection made for
21 the county by the office of financial management, the county and each
22 city within the county shall include areas and densities sufficient to
23 permit the urban growth that is projected to occur in the county or
24 city for the succeeding twenty-year period, except for those urban
25 growth areas contained totally within a national historical reserve.

26 Each urban growth area shall permit urban densities and shall
27 include greenbelt and open space areas. In the case of urban growth
28 areas contained totally within a national historical reserve, the city
29 may restrict densities, intensities, and forms of urban growth as
30 determined to be necessary and appropriate to protect the physical,
31 cultural, or historic integrity of the reserve. An urban growth area
32 determination may include a reasonable land market supply factor and
33 shall permit a range of urban densities and uses. In determining this
34 market factor, cities and counties may consider local circumstances.
35 Cities and counties have discretion in their comprehensive plans to
36 make many choices about accommodating growth.

1 Within one year of July 1, 1990, each county that as of June 1,
2 1991, was required or chose to plan under RCW 36.70A.040, shall begin
3 consulting with each city located within its boundaries and each city
4 shall propose the location of an urban growth area. Within sixty days
5 of the date the county legislative authority of a county adopts its
6 resolution of intention or of certification by the office of financial
7 management, all other counties that are required or choose to plan
8 under RCW 36.70A.040 shall begin this consultation with each city
9 located within its boundaries. The county shall attempt to reach
10 agreement with each city on the location of an urban growth area within
11 which the city is located. If such an agreement is not reached with
12 each city located within the urban growth area, the county shall
13 justify in writing why it so designated the area an urban growth area.
14 A city may object formally with the department over the designation of
15 the urban growth area within which it is located. Where appropriate,
16 the department shall attempt to resolve the conflicts, including the
17 use of mediation services.

18 (3) Urban growth should be located first in areas already
19 characterized by urban growth that have adequate existing public
20 facility and service capacities to serve such development, second in
21 areas already characterized by urban growth that will be served
22 adequately by a combination of both existing public facilities and
23 services and any additional needed public facilities and services that
24 are provided by either public or private sources, and third in the
25 remaining portions of the urban growth areas. Urban growth may also be
26 located in designated new fully contained communities as defined by RCW
27 36.70A.350.

28 (4) In general, cities are the units of local government most
29 appropriate to provide urban governmental services. In general, it is
30 not appropriate that urban governmental services be extended to or
31 expanded in rural areas except in those limited circumstances shown to
32 be necessary to protect basic public health and safety and the
33 environment and when such services are financially supportable at rural
34 densities and do not permit urban development, except as provided in
35 section 1 of this act.

36 (5) On or before October 1, 1993, each county that was initially
37 required to plan under RCW 36.70A.040(1) shall adopt development
38 regulations designating interim urban growth areas under this chapter.

1 Within three years and three months of the date the county legislative
2 authority of a county adopts its resolution of intention or of
3 certification by the office of financial management, all other counties
4 that are required or choose to plan under RCW 36.70A.040 shall adopt
5 development regulations designating interim urban growth areas under
6 this chapter. Adoption of the interim urban growth areas may only
7 occur after public notice; public hearing; and compliance with the
8 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
9 Such action may be appealed to the appropriate growth management
10 hearings board under RCW 36.70A.280. Final urban growth areas shall be
11 adopted at the time of comprehensive plan adoption under this chapter.

12 (6) Each county shall include designations of urban growth areas in
13 its comprehensive plan.

14 (7) An urban growth area designated in accordance with this section
15 may include within its boundaries urban service areas or potential
16 annexation areas designated for specific cities or towns within the
17 county.

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